

**Notice of Allowability**

Application No.

10/691,454

Applicant(s)

OSLER, WILBUR F.

Examiner

Frantz F. Jules

Art Unit

3617

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/22/2003.
2. ☐ The allowed claim(s) is/are 1-12.
3. ☒ The drawings filed on 22 October 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### **REASON FOR ALLOWANCE**

1. Osler discloses a rail mount comprising a generally rectangular top plate formed with a central rail receiving surface on a top of thereof which is flanked by eyes adapted to receive e-clips for securing a rail on the receiving surface, a frame having a rectangular opening receiving the top plate with all around clearance. The top plate being secured to the frame by an elastomer body. The rounded ends of the top plate and frame receive the elastomer in gaps between downwardly and inwardly inclined surfaces while the elastomer between the longitudinal flanks of the frame and top plate has downwardly open voids which are narrower toward the end of the top plate and wider at a midpoint. Ortwein discloses a rail mount comprising a generally rectangular top plate formed with a central rail receiving surface on a top of thereof which is flanked by eyes adapted to receive e-clips for securing a rail on the receiving surface, a frame having a rectangular opening receiving the top plate with all around clearance. The top plate being secured to the frame by an elastomer body. Vanotti discloses a rail mount comprising a generally rectangular top plate formed with a central rail receiving surface on a top of thereof which is flanked by holes adapted to receive clips for securing a rail on the receiving surface, a frame having a rectangular opening receiving the top plate, a body of elastomer bonded between the top plate and the frame at all surfaces of the top plate. Kahn discloses a rail mount comprising a frame having a rectangular opening receiving a body of elastomer between a bottom of a rail and a the surface of the frame. The surface of the frame being inclined. However, none of the references of record suggests a rail mount wherein a top plate having upwardly extending ribs over a full

width of the top plate at opposite ends thereof is provided, each rib having an outer flank perpendicular to a plane of the of the bottom surface and an inner flank inclined at an angle of substantially 30 to 60 degrees to a vertical, whereby a frame being further formed with hoods at opposite ends thereof reaching inwardly over said ribs and spaced above said ribs is provided and with four outwardly extending lugs located respectively along opposite longitudinal sides of the frames at each ends thereof in the manner defined in the instant claim 1 and in combination with other limitations of the claim. Therefore, claims 2-12, depending therefrom, are considered to be allowable.

### ***Conclusion***

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz F. Jules whose telephone number is (703) 308-8780. The examiner can normally be reached on Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph S. Morano can be reached on (703) 308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Application/Control Number: 10/691,454  
Art Unit: 3617

Page 4

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Frantz F. Jules  
Primary Examiner  
Art Unit 3617

FFJ

March 7, 2005

**FRANTZ F. JULES**  
**PRIMARY EXAMINER**

A handwritten signature in black ink, appearing to read 'Frantz F. Jules', written over a horizontal line.